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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/721,778	11/25/2003	Takashi Mukoujima	2418.62US01	4183

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EXAMINER

EDELL, JOSEPH F

ART UNIT	PAPER NUMBER
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3636

DATE MAILED: 06/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/721,778	Applicant(s) MUKOUJIMA ET AL.	
	Examiner Joseph F. Edell	Art Unit 3636	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 March 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,4-6,14 and 15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,4-6,14 and 15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 November 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the axle must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

2. Claim 5 is objected to because of the following informalities: "a rotational axis of the seat reclining mechanism" (lines 4-5) should read --the rotational axis of the seat back--. Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1 and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 1,427,280 to Gahm.

Gahm discloses a vehicle seat that includes all the limitations recited in claims 1 and 6. Gahm shows a vehicle seat having a seat cushion 23 (Fig. 1), a seat back 24 (Fig. 1) forwardly and rearwardly rotatably supported on a vehicle floor bracket 13 (Fig. 1) via an axle (Fig. 1) with a rotational axis, a seat reclining mechanism (Fig. 3), a supporting mechanism 13,14,15 (Fig. 1) movably supporting the seat cushion, a connecting mechanism 28,41 (Fig. 3) interconnecting the seat cushion and seat back, a first linking member 41 (Fig. 3) of the connecting mechanism that is fixedly connected to the seat cushion, a second linking member 28 (Fig. 3) of the connecting mechanism that is rotatably connected to the seat back via a first pivot pin 27 (Fig. 3), a second pivot pin 29 (Fig. 3) that restrively rotatably interconnects the first and second linking

members to be aligned with a rotational axis of the seat reclining mechanism when the seat back is reclined rearwardly from the normal position, a support member 13 (Fig. 1), a linking member 13 (Fig. 1) interconnecting the seat cushion and the vehicle floor bracket, and a detent member 16 (Fig. 1) that is arranged and constructed such that when the seat back is rotated rearwardly and the connecting member aligns with the rotational axis then the seat cushion is inhibited from moving rearwardly wherein the connecting mechanism is arranged and constructed such that when the seat back is rotated forwardly from a normal position, the seat cushion can be repositioned forwardly and downwardly (Fig. 1) and that when the seat back is rotated rearwardly from the normal position, the seat cushion can be maintained in a substantially stationary position (Fig. 1) and wherein the first and second linking members are arranged and constructed such that when the seat back is tilted forwardly from the normal position, the first and second linking members are inhibited from rotation relative to each other and integrated with each other in order to move the seat cushion forwardly (Fig. 3) and when the seat back is reclined rearwardly from the normal position, the first and second linking members can be moved relative to each other to inhibit the seat cushion from moving rearwardly (Fig. 3).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gahm in view of U.S. Patent No. 5,466,047 to Bauer et al.

Gahm discloses a vehicle seat that is basically the same as that recited in claim 4 except that the connecting mechanism lacks a projection, a stopper, and a tension spring, as recited in the claim. See Figures 1 and 2 of Gahm for the teaching that the vehicle seat has a projection, a stopper 16, and a tension spring 17. Bauer et al. show a vehicle seat similar to that of Gahm wherein the vehicle seat has a seat back 32, a first link member 38 (Fig. 2), and second link member 20 (Fig. 2) connected with a tension spring 60 (Fig. 2) providing a biasing force against rotation of the seat back from a retracted position. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the vehicle seat of Gahm such that the first linking member has a projection, the second linking member has a stopper, and a tension spring connecting the projection and stopper, such as the vehicle seat disclosed in Bauer et al. One would have been motivated to make such a modification in view of the suggestion in Bauer et al. that the tension spring on the link members biased the seat back in a forward direction into a normal position.

Allowable Subject Matter

7. Claim 5 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claims 14 and 15 are allowed. The following is a

statement of reasons for the indication of allowable subject matter: the teachings of the prior art alone on combination fail to teach a vehicle seat wherein the second pivot pin interconnecting the first and second pivot pins of the connecting mechanism is also arranged and constructed so as to be aligned with the rotational axis of the seat back when the seat back is reclined rearwardly from the normal position.

Response to Arguments

8. Applicant's arguments filed 30 March 2005 have been fully considered but they are not persuasive. Applicant argues that Gahm fails to teach a vehicle seat having an axle with a rotational axis that is offset from the pivot pin connecting the first and second links. However, claim 1 merely recites that the seat back is forwardly and rearwardly rotatably supported on a vehicle floor bracket via an axle having a rotational axis, and does not require that the axle be directly connected to the seat back allowing relative rotation of the seat back relative to the seat cushion. Similarly, amended claim 14 recites a commensurate, broader limitation. Clearly, the seat back 24, as well as the seat cushion 23, of Gahm is forwardly and rearwardly rotatably supported on the vehicle floor bracket 15 via the links 13 of the supporting mechanism wherein each link has an axle with a rotational axis. Therefore, the vehicle seat of Gahm teaches all the limitations recited in amended claim 1. With respect to the Applicant's argument that neither Gahm or Bauer teaches a restrictively rotatable interconnection of the first and second linking members via a second pivot pin, Gahm teaches a second pivot pin that restrictively rotatably interconnects the first and second linking members such that the

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seat back may rotate rearwardly (shown in phantom in Figure 3) but are inhibit from relative rotation when the seat back is rotated forwardly (shown in phantom in Figure 3).

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph F. Edell whose telephone number is (571) 272-6858. The examiner can normally be reached on Mon.-Fri. 8:30am-5:00pm.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for

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published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).



JE
June 26, 2005



Peter M. Cuomo
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